

The Charter

THE CHARTER

Editor's Note -- The Charter herein set out was adopted on January 5, 1960. Amendments are indicated in parenthesis following the section affected. Unless so indicated, the section derives unchanged from the original Charter. Catchlines have been added or changed for editorial purposes. A uniform system of capitalization has been employed and frontal analysis added for the convenience of the user.

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PREAMBLE

We, the people of the City of Seward, grateful for the privileges and mindful of the responsibilities which we are assuming under the home rule provisions of the Constitution of the State of Alaska, in order to provide continued orderly government under God, do ordain and establish this Charter for the City of Seward.

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Chapter 1. General Provisions

Sec. 1.1. Continuation of existing corporation.

The City of Seward shall continue as a municipal corporation under the name: "The City of Seward."

Sec. 1.2. Form of government.

The government of the city shall be that commonly known and designated as the council-manager form.

Sec. 1.3. Boundaries.

The boundaries of the city shall be the boundaries as established and on file in the records of the clerk at the time this Charter becomes effective or as such boundaries may be changed thereafter in the manner authorized by law.

Sec. 1.4. Powers of the city.

The city may exercise all legislative powers not prohibited by law or by this Charter.

Sec. 1.5. Definitions and construction.

Except as otherwise specifically defined herein or indicated by the context, words used in this Charter shall have their ordinary dictionary meanings.

- (a) "Board" includes the word "commission".
- (b) "Capital improvement" means public improvements of a permanent nature.
- (c) "City" means the City of Seward.
- (d) "Code" means the Code of Ordinances of the City of Seward.
- (e) "Council" means the city council of the City of Seward.
- (f) "Elector" means a qualified elector, and who is registered as required by the Code.
- (g) "By law" means this Charter and the constitutions and statutes of the United States

of America and the State of Alaska to the extent that they validly limit the exercise of legislative power by home rule municipalities.

(h) "Local improvement" means those public improvements which are specially beneficial to the property affected and shall further include the abatement of such unsafe, unsightly, unhealthful, or unsanitary conditions as the council shall determine to be a public nuisance.

(i) "Person" extends and applies to bodies politic and corporate, and to partnerships and associations, as well as to individuals.

(j) "Public improvement" means those improvements to or in connection with streets, sidewalks, parks, playgrounds, building, sewer systems, water systems, harbor facilities, and any other real property or appurtenances thereof of the city used by the public.

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(k) "Public utility" includes all common carriers in the public streets, water, sewage disposal, electric light, central heating, gas, electric power, telephone and telegraph lines and systems, garbage collection, garbage disposal and reduction plants, docks, and such other and different enterprise as the law or the council may determine to be or designate as public utilities.

(l) "Publish" or "published" includes the setting forth of any matter for public notice in the manner provided by law, or, where there is no applicable law, publishing at least once in one or more newspapers of the city, qualified by law for the publication of legal notices, or by posting in at least one public place.

(m) "Sign" or "signature" includes the facsimile of a signature when authorized by the council.

(n) All words indicating the present tense are not limited to the time of the adoption of this Charter, but may extend to and include the time of the happening of any event or requirement to which any provision is applied.

(o) The singular includes the plural, the plural includes the singular, and the masculine gender extends to and includes the feminine gender and the neuter. (10/04/94, Resolution No. 94-107)

Sec. 1.6. Records to be public.

All records relating to the general governmental affairs of the city shall be public records unless otherwise provided by law. They shall be kept in city offices, except when required for official reasons or for purposes of safekeeping to be elsewhere. They shall be available at city offices for inspection, copying, or reproduction at reasonable times. Such records, or copies duly certified by the clerk, shall be prima facie evidence of their contents.

Sec. 1.7. Quorum.

A quorum of any board created by or under authority of this Charter shall, unless otherwise provided, consist of a majority of the number of its members.

Sec. 1.8. Sundays and holidays.

Except as otherwise provided in this Charter, whenever the date fixed by law or ordinance for the doing or completion of any act falls on a Saturday, Sunday or legal holiday, such act shall be done or completed on the next succeeding business day.

Sec. 1.9. Penalties for violations.

The council may provide in the Code the penalty for violating any provision of this Charter or the Code, which may include a fine, imprisonment, or both, not exceeding the maximum permitted by law. (10/04/94, Resolution No. 94-108)

Sec. 1.10. Notice to city of claim for injuries.

Repealed 10/04/94 (Resolution No. 94-109)

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Sec. 1.11. Chapter and section headings.

The chapter and section headings used in this Charter shall not be considered a part of the Charter for the purpose of judicial construction or otherwise.

Sec. 1.12. Severability of Charter provisions.

If any portion of this Charter is held to be invalid, such invalidity shall not affect the remainder of the Charter, and, to that end, this Charter is declared to be severable.

Sec. 1.13. Liberal construction.

The intent of the Charter Commission in drafting this Charter and of the electors of the City of Seward in adopting it was that the provisions of the Charter should be liberally construed to afford a maximum of local self-government in accordance with the intent of section 1 of article X of the Constitution of the State of Alaska.

Sec. 1.14. Residual powers.

The enumeration of specified powers in this Charter shall not be construed as limiting the power of the city.

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Chapter 2. Officers.

Sec. 2.1. Enumerated.

- (a) The elective officers of the city are the mayor and six councilmembers.
- (b) The appointive officers of the city are the city manager, the city clerk, and the city attorney.
- (c) The administration officers are all other officers of the city other than elective officers and appointive officers.

Sec. 2.2. Eligibility for elective city office.

- (a) To be eligible to file for election to a city office a person shall be an elector of the city and shall have resided in the city or territory annexed to the city continuously for a period of not less than one year immediately preceding the date of filing.
- (b) A person appointed to fill a vacancy in an elective office must have such qualifications at the time of his appointment.
- (c) The council shall be the judge of the election and qualifications of its members.
(10/04/94, Resolution No. 94-110)

Sec. 2.3. Persons ineligible for city office or employment.

A person who holds or has held an elective city office shall not be eligible for appointment to an office or employment for which a salary is paid by the city until one year has elapsed following the term for which he was elected or appointed. An exception may be made with the approval of four or more members of the council.

Sec. 2.4. Notice of election or appointment.

Repealed 10/04/94 (Resolution No. 94-111)

Sec. 2.5. Compensation of officers.

The compensation of all elective officers and board members, the city manager, the city clerk, and the city attorney shall be established by the council. The compensation of all other permanent officers shall be in accordance with any position classification and pay plan of the city.

Sec. 2.6. Oath of office.

Every officer of the city before entering upon his duties shall take the oath or affirmation required by section 5 of article XII, Constitution of the State of Alaska. The council may require designated employees to take such oath before entering upon their employment. Oaths of office shall be filed with the city clerk.

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Sec. 2.7. Surety bonds.

In order to protect the city and the public the council shall, when necessary, require appropriate surety bonds of officers and employees. The premium of such bonds shall be paid by the city.

Sec. 2.8. Giving of surety by officers and employees prohibited.

No officer or employee shall give or furnish any bail, bond, recognizance, or be the agent of any bondsman in connection with any bond which may be required by law or by the council.

Sec. 2.9. When office to become vacant.

(a) A city office shall become vacant upon the occurrence of any of the following events:

- (1) The expiration of the term of office;
 - (2) The death of the incumbent;
 - (3) A resignation when approved by the council;
 - (4) A removal from office in the manner provided by law;
 - (5) Ceasing to possess at any time the qualifications or eligibility required by this Charter for election or appointment to office;
 - (6) After final conviction of a felony involving moral turpitude, or of any offense involving a violation of an oath of office;
 - (7) A judicial determination that the incumbent is of unsound mind;
 - (8) A decision of a competent tribunal declaring the election or appointment of the incumbent void;
 - (9) Upon failure to take the oath or make the affirmation or file the bond required for the office within ten days from the date of appointment or certification of election or within such other time not exceeding twenty days thereafter as the council may fix;
 - (10) Or any other event which, by law, creates a vacancy.
- (b) The council shall provide in the Code for creating vacancies in elective offices on account of failure to perform the duties of office. Such provision shall be self-executing. (10/04/94, Resolution No. 94-112)

Sec. 2.10. Resignations.

Resignations of officers shall be made in writing and filed with the city clerk, who shall immediately notify the proper officials concerned.

Sec. 2.11. Removal from office.

- (a) The council may remove the city manager, the city clerk, the city attorney, and members of boards regardless of term of office. The person so removed from office shall have the right to public hearing before the council concerning the cause for his removal.
- (b) City employees shall be protected from arbitrary discharge by Code provision.

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Sec. 2.12. Recall.

An elective officer may be recalled, and the vacancy thereby created shall be filled, in the manner prescribed by law.

Sec. 2.13. Filling vacancies.

(a) If a vacancy occurs in an elective office, other than a vacancy occurring from a recall:

(1) If the vacancy occurs more than two weeks before the last time for filing for the offices to be filled at the next regular city election, the council shall fill the vacancy by appointment within thirty days, with the person appointed serving until the next time when terms of elective officers begin. If the unexpired term of the vacated office extends beyond the next time when terms of elective officers begin, the office shall be filled for the remainder of the unexpired term at the next regular city election.

(2) If the vacancy occurs no more than two weeks before the last time for filing declarations of candidacy for offices to be filled at the next regular city election, the council shall not fill the vacancy until immediately after the council organizes following such regular city election, and the council then shall fill any such vacancy by appointment for the remainder of the unexpired term.

(b) If a vacancy occurs in an appointive office, such vacancy shall be filled within ninety days thereafter in the manner provided for making the original appointment. Such time may be extended for not to exceed an additional ninety days, by council resolution setting forth the reasons therefor. (10/04/94, Resolution No. 94-112)

Sec. 2.14. Delivery of office to successor.

Whenever an officer or employee leaves an office or employment for any reason, he shall deliver forthwith to his successor in the office or to the mayor, all records, books, working papers, moneys, effects, and property in his custody, possession, or control, which are the property of the city.

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Chapter 3. City Council.

Sec. 3.1. Composition; powers and duties generally; term of office.

The council shall consist of the mayor and six councilmembers. The mayor and each councilmember shall be elected from the city at large. The term of office of an elective officer shall be two years and shall commence immediately before the council organizes following the officer's election. The council shall exercise all of the legislative and policy-making powers of the city and shall provide for the performance of all duties and obligations imposed upon the city by law. (10/04/94, Resolution No. 94-113)

Sec. 3.2. Expiration of terms; qualification of appointees to fill vacancies.

The terms of three councilmembers shall expire in each year, except that in each second year, counting from 1959, the terms of the mayor and of three councilmembers shall expire. When appointments are made to fill vacancies in the manner provided by section 2.13(a) of this Charter, appointees shall qualify for and assume the duties of office within ten days after appointment, unless such time be extended for not more than sixty days by council.

Sec. 3.3. Organization of council.

The council shall meet and organize not later than thirty days after each regular city election. (10/04/94, Resolution No. 94-113)

Sec. 3.4. Mayor.

(a) The mayor shall possess all powers and shall exercise all duties provided or required of him by law or by the council.

(b) He shall be the presiding officer of the council.

(c) He shall be a member of the council with all the powers and duties of that office.

(d) He shall advise the council concerning the affairs of the city and make recommendations thereon.

(e) He shall make all required appointments subject to prior approval of the council.

(f) He shall be ceremonial head and chief officer of the city.

(g) He shall not possess the veto power. (10/04/94, Resolution No. 94-114)

Sec. 3.5. Meetings of council.

(a) The council shall meet in the established council chambers or such other place as may be established in the Code, and shall hold at least two regular meetings in each month; provided that any regular meeting may be canceled by the affirmative vote of at least four councilmembers. In selecting its meeting place, the council shall consider the reasonable accommodation of the public.

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(b) Special meetings shall be called by the city clerk on the written request of the mayor, the city manager or any two members of the council. The request shall specify the location of the special meeting, which shall be selected with consideration for the reasonable accommodation of the public.

(c) At least six hours written notice shall be given designating the time and purpose of a special meeting. Such notice shall be served personally on each member of the council, or left at his usual place of residence or business by the city clerk or by someone designated by him. A copy of such notice shall also be delivered at the place of business of each newspaper printed and published in the city, but this requirement shall not be jurisdictional to the holding of any such meeting.

(d) In an emergency, any special meeting shall be a legal meeting if all members are present or, if there be a quorum present, and all absent members having in writing waived the required notice. Waivers may either be before or after the time of meeting.

(e) An affidavit of service of any notice required by this section shall be made a part of the journal of a special meeting. All waivers of notice shall be attached and made part of the journal of the meeting.

(f) No business shall be transacted at any special meeting of the council, except that stated in the notice of the meeting.

(g) All regular and special meetings of the council shall be public meetings and the public shall have a reasonable opportunity to be heard.

(h) The council may, after its agenda is otherwise completed, recess for the purpose of discussing, in a closed or executive session, any question permitted by law which is expressed in the motion calling for the executive session. The public may be excluded from the session, but final action shall not be taken by the council on any matter discussed in executive session until the matter is placed on the agenda.

(i) Four members of the council shall be a quorum for the transaction of business. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.

(j) The council shall determine its own rules and order of business and shall keep a journal of all its proceedings. The journal of each meeting of the council shall be signed by the clerk and counter-signed by the mayor. The vote upon all matters considered by the council shall be taken by "yes" or "no" votes which shall be entered upon the record, except that, where the vote is unanimous, it shall only be necessary to so state.

(k) The council may compel attendance at its meetings of any officers or employees of the city. It may punish for non-attendance in such manner as it may prescribe in the Code.

(l) No member of the council may vote on any question upon which he has a substantial direct or indirect financial interest. Otherwise, each member of the council shall vote on each question before the council for a determination, unless excused therefrom by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this section at any council meeting, such question shall be determined before the main question shall be voted on, but the councilmember affected may not vote on such determination.

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(m) The vote of at least four members shall be required for official action by the council, unless a larger majority is required by law. (10/04/94, Resolution No. 94-115)

Sec. 3.6. Powers of council to appoint citizen boards.

(a) The council may in its discretion by ordinance create or abolish boards or may grant to them the power to conduct hearings, to make recommendations and initial decisions which, unless appealed within twenty days, shall become final. The council shall provide for appeals by any party affected by the proceedings or by city administration officers and shall direct that all decisions must be promptly filed with the city clerk as public record.

(b) Unless the council shall otherwise determine by a majority vote, all questions presented to the council concerning any subject which has been delegated to a citizen board shall be submitted to the board for consideration.

(c) Boards established by the council shall not be authorized to employ or direct the employment or removal of any administration officer or employee of the city. (10/01/85, Resolution No. 85-89, § 1; 10/04/94, Resolution No. 94-116)

Sec. 3.7. Restrictions of powers of council.

The council and its members shall not direct the appointment or removal of any administration officer or employee of the city and shall deal with the administrative service of the city through the city manager only. (10/04/94, Resolution No. 94-117)

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Chapter 4. City Legislation.

Sec. 4.1. Introduction, consideration, style and recording of Code provisions.

(a) Each proposed Code provision shall be introduced in written form. The style of all Code provisions passed by the council shall be, "The City of Seward Ordains."

(b) No Code provision shall be passed at the same meeting at which it is introduced, unless an emergency is declared by an affirmative vote of not less than four members of the council.

(c) Each Code provision shall be recorded by the city clerk.

(d) The mayor shall verify each Code provision and authenticate it on the record by his signature.

(e) All official proceedings of the city may be placed in evidence in all courts and tribunals by a copy thereof certified as true by the city clerk, under the seal of the city, in addition to other methods provided or permitted by law. (10/04/94, Resolution No. 94-118)

Sec. 4.2. Publication of Code provisions.

Each Code provision shall be published in a manner provided by the council. If publication is made by posting, a notice of the place of posting and a brief statement of the purpose of the Code provision shall be published in one or more of the newspapers of the city within a reasonable time.

Sec. 4.3. Effective date of taxation Code provisions.

No Code provision which provides for or establishes a tax shall become effective for at least thirty days after adoption by the council.

Sec. 4.4. Time limit for prosecution of Charter or Code violations.

Repealed 10/04/94 (Resolution No. 94-119)

Sec. 4.5. Due process to be accorded.

All proceedings relative to the arrest, custody and trial of persons accused of any violation of this Charter or of the Code shall be conducted so as to accord due process of law.

Sec. 4.6. Initiative and referendum generally.

A Code provision may be initiated or a referendum may be had on any act of the council in the manner and subject to the limitations as set forth by law or in the Code. (10/04/94, Resolution No. 94-120)

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Sec. 4.7. Code provisions adopted by the initiative.

(a) A Code provision which is adopted by the electorate by the initiative procedure may not be amended or repealed by the council for a period of two years after the date of the election at which it was adopted.

(b) Should two or more Code provisions which are adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail.

Sec. 4.8. Council action.

The filing with the mayor of a sufficient referendary petition within thirty days after the passage of the act of the council to which such petition refers shall automatically suspend the operation thereof, pending repeal by the council or final determination by the electors.

Sec. 4.9. Zoning.

To provide for the health, safety and welfare of citizens within the city, the council shall provide for comprehensive building and zoning regulations.

Sec. 4.10. Port and harbor jurisdiction.

The council shall regulate the use and development of all waters and submerged lands which are subject to the jurisdiction of the city.

Sec. 4.11. Other municipal services.

The council shall provide for the furnishing of such municipal services as it deems necessary for the protection of the health, safety, welfare and morals of the public and, when the interests of the city so require, may authorize plans or agreements for reimbursing the city in consideration of furnishing any of such services to tax-exempt persons or agencies, both private and governmental.

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Chapter 5. Administrative Service.

Sec. 5.1. Council to provide for city administration.

The council shall provide in the Code for the organization of the administrative offices and departments of the city and prescribe their duties and functions.

Sec. 5.2. Emergency administration.

In order to assure continuity of city services and administration in periods of emergency resulting from war or disaster, the council shall provide in the Code for the prompt and temporary succession to the powers and duties of administrative officers and departments when such officers and departments are unable to carry on their respective powers and duties.

Sec. 5.3. Appointment, terms and compensation of administrative officers and employees.

(a) The city manager, the city clerk, and the city attorney shall be appointed by the council. They shall hold office for indefinite terms at the pleasure of the council.

(b) All other administrative officers, except members of city boards and employees in the city clerk department, shall be appointed by the city manager.

(c) Members of city boards shall serve for the terms provided by law.

(d) The council shall provide in the Code for the employment of city personnel on the basis of merit and fitness.

(e) In the selection, discharge and fixing the terms and conditions of employment of city personnel, there shall be no discrimination on grounds of race, color, sex, religion or national origin. (10/04/94, Resolution No. 94-121 and Resolution No. 94-122)

Sec. 5.4. City manager.

(a) The city manager shall be chosen solely on the basis of his demonstrated administrative qualifications, with particular emphasis on his training and experience as a professional municipal administrator. He shall be a resident of the city during his tenure in office.

(b) The city manager shall be the chief administrative officer of the council and shall perform the duties of his office under the authority of and shall be accountable to the council. The council shall prescribe in the Code the duties of the city manager in addition to those set forth in this Charter.

(c) He shall supervise and coordinate the work of the administrative officers and departments of the city, except the city attorney, the city clerk and the city clerk department, and he shall act as coordinator between these officers and the other administrative officers.

(d) He shall prepare and recommend to the council the annual budget proposals of the city.

(e) He shall execute and enforce the Code and other acts of the council and carry out and enforce all city contracts.

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(f) He shall employ or be responsible for the employment of all city employees except employees in the city clerk department, and supervise and coordinate the personnel policies and practices of the city. (10/04/94, Resolution No. 94-122)

Sec. 5.5. City clerk.

(a) The city clerk, or his authorized representative, shall be clerk of the council. He shall attend all meetings of the council and shall keep a record of its proceedings.

(b) He shall record and certify all actions of the council.

(c) He shall have power to administer all oaths required by law.

(d) He shall be custodian of the city seal and the official records of the city.

(e) He shall give to the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements.

(f) He shall be the registrar of the city and shall be responsible for the calling and supervision of all city elections, unless otherwise provided by law.

(g) He shall perform such other duties in connection with his office as may be required of him by law or by the council.

(h) The council may provide in the Code for a city clerk department. The city clerk shall be responsible for the employment of all employees in the city clerk department. (10/04/94, Resolution No. 94-122)

Sec. 5.6. City attorney.

(a) The city attorney shall act as the legal advisor of and be responsible to the council. He shall advise the city manager and the city clerk concerning legal problems affecting the city administration.

(b) He shall perform such other duties as may be prescribed by the council.

Sec. 5.7. City fiscal agent.

The council shall provide in the Code for the collection, receipt and custody of taxes, moneys and things of value belonging to the city and for an administrative officer who shall be responsible therefor.

Sec. 5.8. Employee benefit plans.

Any benefit plans provided for officers and employees by the council shall be actuarially sound. Membership in any retirement system which may be adopted by the city shall constitute a contractual relationship. Accrued benefits of any retirement system shall not be diminished or impaired.

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Chapter 6. Budget Procedure and General Finance Provisions.

Sec. 6.1. Fiscal year.

The fiscal year of the city shall begin on July 1 of each year, unless otherwise provided by law.

Sec. 6.2. Budget statement of city manager.

During or prior to the third week in May, the city manager shall present to the council a budget proposal for the next fiscal year of the city. Such budget proposal shall set forth the city manager's recommendations concerning, and an analysis of, the anticipated income and expenditures of the city during the next fiscal year. The proposed expenditures set forth in the budget proposal shall not exceed the expected revenues of the city. Unencumbered funds remaining at the end of the current fiscal year may be reallocated for purposes set forth in the budget proposal.

Sec. 6.3. Budget adoption procedure.

(a) The budget proposal of the city manager shall be reviewed by the council and shall be available for public inspection in the office of the city clerk.

(b) The council shall direct that a public hearing on the budget proposal shall be held not less than one week before its final adoption. A notice of the public hearing shall be published in a newspaper by the city clerk at least one week prior to the date of hearing.

(c) At a regular meeting held not less than ten days prior to the end of the fiscal year, the council shall, by resolution, adopt a budget for the following fiscal year and make an appropriation of the money needed therefor.

(d) If the council does not adopt a budget prior to the third day preceding the commencement of the next fiscal year, the budget proposal as presented to the council by the city manager shall be deemed to be the budget for that fiscal year and shall be held to make an appropriation therefor without any further council action.

Sec. 6.4. Budget control.

(a) Unencumbered appropriation balances may be transferred as provided in the Code and in accordance with generally accepted governmental accounting practices.

(b) The city manager shall submit periodically to the council information comparing estimated and actual revenues and expenditures to the end of the preceding month. (10/04/94, Resolution No. 94-124)

Sec. 6.5. Withdrawal of funds.

(a) All funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the council.

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Sec. 6.6. Independent audit.

An independent audit shall be made of all accounts of the city at least annually, and more frequently if deemed necessary by the council. The annual audit shall be made by certified public accountants employed by the council and shall be completed within ninety days following the close of the fiscal year. The comprehensive annual financial report shall be presented to the council at a public meeting within thirty days after completion of the audit. (10/04/94, Resolution No. 94-125)

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Chapter 7. Taxation.

Sec. 7.1. Taxation generally.

The council shall provide in the Code for the annual assessment, levy and collection of city taxes. Council may provide for differential taxation based upon differences in kind or level of services provided within service areas established by ordinance. (10/01/68, Resolution No. 717; 10/07/75, Resolution No. 910, § 1)

Sec. 7.2. Exemptions.

The power of taxation shall never be surrendered. No exemptions from taxation shall be allowed, except such as are expressly provided by law. Private leaseholds, contracts or interests in land or property owned or held by the United States, the state or its political subdivisions shall be taxable to the extent of the interests.

Sec. 7.3. Assessment day.

The taxable status of property shall be determined as of the first day of January, or such other date as may be subsequently required by law, which shall be deemed the assessment day. Values on the assessment roll shall be determined according to the facts existing on the assessment day for the year for which the assessment roll is made, and no change of status of any property after that day shall be considered.

Sec. 7.4. Security for taxes on real property.

The city shall have a first priority upon all real property against which taxes are assessed and foreclosed by the borough.

Sec. 7.5. Protection of city's real property tax liens.

The city may protect its interest for taxes upon real property by the purchasing of the real property at any tax sale or other public sale. Any such procedure shall be deemed to be for a public purpose. After the city has held any tax delinquent real property for one year, it may hold the same for public use or sell at public sale. (10/01/68, Resolution No. 717)

Sec. 7.6. Security for taxes on personal property.

Repealed 10/01/68 (Resolution No. 717)

Sec. 7.7. Security for taxes on sales.

Sales taxes shall be a debt to the city from the person to whom they are assessed. If any person to whom such taxes are assessed fails or refuses to pay the taxes, or if the collecting officer reasonably believes that any person will not pay such taxes, the taxes and accrued charges, penalties and interest may be collected by a personal action in the name of the city against the person to whom assessed in a court of competent jurisdiction, or by distraint and sale of any personal property of the person assessed. Neither of the remedies herein given shall be exclusive of the other at any time.

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Chapter 7A. Service Areas.

Sec. 7A.1. Generally.

Service areas may be established to provide services not provided on an areawide basis or to provide a different level of service than that provided on an areawide basis.

Sec. 7A.2. Establishment, etc., by council.

(a) The council by ordinance may establish, alter, consolidate or abolish service areas. The council by ordinance may add or eliminate services to a service area. The ordinance shall contain the following:

- (1) Boundaries and area to be included;
- (2) Service to be provided or eliminated; and
- (3) Other provisions the council includes.

(b) If a petition of protest is filed with the council before the effective date of the ordinance adopted under this section, the ordinance shall be submitted to the qualified voters residing in the service area or proposed service area and, if ratified, shall take effect upon certification of the election. The petition shall contain signatures of at least ten percent or one hundred of the qualified voters residing in the service area or proposed service area, whichever is the lesser. Each new service or each service to be eliminated shall be placed separately on the ballot and shall require ratification by a majority of the qualified voters voting on the question. There shall be no election under this subsection to eliminate a service to be provided on an areawide basis. (10/07/75, Resolution No. 910, § 1)

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Chapter 8. Special Assessments and Public Improvements.

Sec. 8.1. General power relative to special assessments and public improvements.

(a) The council shall have the power to make public improvements including local improvements within the city and, to the extent permitted by law, outside the city. The council may determine the necessity for any public improvement and may determine that the whole or any part of the cost thereof, including the cost of plans, specifications, engineering, architectural and legal expenses, and of the acquisition of property in connection therewith, shall be levied by special assessment upon the property specially benefitted thereby. When more than one lot or parcel of land is to be specially benefitted, the project shall be considered as a special assessment district.

(b) All special assessments for local improvements against property benefitted shall be in proportion to, and shall not exceed, the value of the benefit received on account of the local improvement. The council shall establish the method of apportioning such benefits as to each local improvement.

(c) If protests as to the necessity of a local improvement are made by the owners of property which will bear fifty percent or more of the estimated cost of the improvements, the public improvement shall not proceed until the objections have been reduced to less than fifty percent, except when such improvements affect the health, welfare and safety of any or all residents of the City of Seward, and upon the approval of at least four members of the council.

Sec. 8.2. Detailed procedure to be fixed in the Code.

The procedure for local improvements may be commenced by the council either on its own initiative or upon receipt of a petition in the manner provided in the Code. The council shall prescribe in the Code the complete special assessment procedure for local improvements and for agreements for furnishing capital improvements and the extension thereof in lieu of assessment. For local improvements, such Code provision shall include and require the following:

- (1) The procedure for filing petitions for local improvements;
- (2) A survey and report by the city manager concerning the need for, desirable extent of, and estimated cost of each proposed local improvement;
- (3) A public hearing by the council on the necessity of the making of the local improvement;
- (4) A resolution of the council determining to proceed or not to proceed with the proposed local improvement;
- (5) A public hearing by the council on the special assessment roll for the local improvement;
- (6) Publication of notice of each hearing required by this section to be given in a newspaper published within the city and by first class mail to persons whose names appear on the current assessment roll as owners of real property within the special assessment district; and
- (7) A resolution confirming the special assessment roll for the local improvement.

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Sec. 8.3. Expenditures before funds for improvement are available.

No expenditures, other than for administrative, engineering and legal work for any local improvement, the cost of which is to be borne by special assessments on the property benefitted, shall be made unless the cash is on hand or bonds have been authorized to finance the cost thereof.

Sec. 8.4. Correction of invalid special assessments.

If any special assessment procedure of the council shall be irregular or invalid for any reason, the council may correct the same at any time within ninety days after the confirmation of the special assessment roll or after final determination of any litigation thereon, whether before or after the completion of the local improvement to which the special assessment applies. If payments or special assessments have been made under the irregular or invalid procedure, such payments shall be credited to payments required under the corrected procedure, or in the alternate, the council may provide for the payment of refunds by ordinance.

Sec. 8.5. Limitations on suits and actions.

No special assessment procedure shall be contested by any action at law or in equity unless commenced within sixty days after the confirmation of the special assessment roll therefor. If no such action be commenced, the procedure for such local improvement shall be conclusively presumed to have been regular and complete.

Sec. 8.6. Lien for and collection of special assessments.

(a) The city shall have a first priority upon all real property against which special assessments are assessed, and any such lien shall be of the same character, effect and duration and shall be enforceable in the same manner as the lien for city assessments.

(b) The council shall provide in the Code procedure for the collection of special assessments and the collection of charges, penalties and interest which shall be added for the delayed or delinquent payment thereof. (10/01/68, Resolution No. 717)

Sec. 8.7. Receipts from special assessments.

Accounts for special assessment rolls shall be created and maintained in accordance with generally accepted governmental accounting principles. Moneys collected from special assessments shall be used solely to pay the cost of the improvements to which they apply and to the principal of and interest on indebtedness of the city. (10/04/94, Resolution No. 94-126)

Sec. 8.8. All real property liable for special assessments.

All real property, including such as is exempt from taxation by law, shall be liable for the cost of local improvements assessed in accordance with this chapter, unless specifically exempted from special assessments by law.

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Chapter 9. Intergovernmental Relations.

Sec. 9.1. Agreements for transferring powers.

Agreements, including those for cooperative or joint administration of any function or power, may be made by the council with any local government, with the state or with the United States unless otherwise provided by law.

The council may transfer to the borough, of which the city is a part, any city power or function unless prohibited by law. Such transfer shall not take effect for ninety days following approval by the council and the council may in like manner revoke the transfer.

Sec. 9.2. Cooperation with other governments.

The city may cooperate with the United States, with the state or its political subdivisions, or with other states and their political subdivisions, on matters of common interest. For this purpose the council may make all necessary appropriations.

Sec. 9.3. City representatives on borough assembly.

Repealed 10/04/94 (Resolution No. 94-127)

Sec. 9.4. Vacancies in office of representative on the assembly.

Repealed 10/04/94 (Resolution No. 94-127)

Sec. 9.5. Compensation of representative on the assembly.

Repealed 10/04/94 (Resolution No. 94-127)

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Chapter 10. Elections.

Sec. 10.1. Regular city election.

A regular city election shall be held annually on the first Tuesday in October or such other date as the council may provide in the Code. The date of holding regular city elections may not be changed by the council at any time less than one year prior to the date of the first regular city election affected.

Sec. 10.2. Special city elections.

The council shall provide in the Code for the calling of special elections. Not less than thirty days notice shall be given of each special election. The notice shall state the purpose of the election. (10/0/94, Resolution No. 94-128)

Sec. 10.3. Qualifications of electors.

(a) To be eligible to vote at any city election, a person must be a United States citizen who is qualified to vote in state elections, who has been a resident of the city for at least thirty days immediately preceding the election, who is registered to vote in state elections, and who is not disqualified from voting under Article V of the State Constitution.

(b) The council shall provide in the Code for absentee voting by registered electors who are infirm or ill or who will be out of the city for the entire time that the polls are open on election day.

(c) The council shall provide in the Code for the purity of elections and the prevention of fraudulent voting. (10/01/68, Resolution No. 717; 10/02/73, Resolution No. 881)

Sec. 10.4. Election procedure.

(a) All elections of city officers shall be nonpartisan. The council shall provide for, by ordinance;

- (1) The nonpartisan nomination of candidates for elective city offices;
- (2) The printing and custody of ballots;
- (3) The appointment and payment of necessary election personnel;
- (4) The conduct of city elections;
- (5) The counting and canvassing of ballots cast;
- (6) The procedure for the recounting of ballots cast in the event a recount is demanded;
- (7) The declaration of results of elections; and
- (8) All other matters necessary for the holding of city elections.

(b) Except for absentee voting, the council may provide for the use of voting machines in lieu of paper ballots.

Sec. 10.5. Tie vote.

In the event of a tie vote, the council shall determine the successful candidate by lot. Such determination shall be final.

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Chapter 11. Municipal Borrowing.

Sec. 11.1. General authorization to borrow money.

(a) The city shall have the power to borrow money for any public purpose and to issue its evidence of indebtedness therefor. Such evidences of indebtedness shall include, but not be limited to, those enumerated in the following three categories:

(1) Bonds for capital improvements authorized by the council and ratified by a majority of the electors qualified under section 10.3(a) and who vote thereon, voting at any regular or special election:

a. General obligation bonds, the principal and interest of which are payable from taxes levied upon the taxable real and personal property in the city, and from any other sources of revenue and for the payment of which the full faith and credit of the city are pledged without limitation as to rate or amount;

b. Special assessment bonds, which are issued in anticipation of the payment of special assessments, or any combination of two or more special assessments, which bonds shall be both an obligation of the special assessment district or districts and a general obligation of the city;

c. General obligation bonds which are also secured by the revenue from a revenue-producing utility, such bonds being issued for the acquisition, construction or improvement of the utility;

(2) Revenue bonds to finance any project that serves a public purpose, which bonds are secured only by revenues of the project or a public enterprise or public corporation of the city, and which do not constitute a debt or a pledge of the faith and credit or taxing power of the city. Such revenue bonds may be authorized by the council and do not require ratification by the qualified electors of the city.

(3) Those bonds and other obligations which may be authorized by the council and do not require ratification by the qualified electors of the city:

a. Revenue or tax anticipation notes which may be issued in anticipation of the collection of any revenues, including taxes, in or during the current fiscal year of the city, for the purpose of meeting appropriations during the year;

b. Disaster bonds or notes to be issued in case of fire, flood, wind, explosion, war damage, volcanic action, earthquake, or other calamity for the preservation and rehabilitation of municipal capital improvements, in a sum not to exceed two percent of the assessed value of all the real and personal property in the city, and due in not more than ten years;

c. Notes for loans from accumulated reserves of the city on a definite plan for the repayment thereof and of interest thereon as provided by the council.

(b) Bonds or notes on which a vote of the electorate is not required may be authorized by the council. No such bonds or notes shall be issued, however, until not less than thirty days have passed from the date of council authorization. The purpose of this section is to provide the

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electors of the city an opportunity to exercise their right of referendum. Disaster bonds or notes may be issued immediately upon receiving proper authorization by the council.

(c) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued. No officer of the city shall use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue or a part thereof remain unexpended and unencumbered for the purpose for which said bond issue was made, the council shall authorize the use of such unexpended and unencumbered funds only in accordance with the following order of priority:

- (1) For retirement of such bond issue;
- (2) If such bond issue has been fully retired, then for the retirement of other bonds or obligations of the city;
- (3) For any other public improvement purpose or purposes of a like nature;
- (4) If such funds cannot be used as above permitted, then in any other manner determined by the council.

(d) No bond or other evidence of indebtedness of the city, regardless of type or purpose, shall bear interest, either directly or indirectly, at a rate exceeding the maximum permitted by law.

(e) All bonds and other evidences of indebtedness of the city shall be signed by the mayor and counter-signed by the clerk under the seal of the city. Interest coupons shall be executed with the facsimile signature of the clerk.

(f) A complete and detailed record of all bonds and other evidences of indebtedness shall be kept by an officer designated by the Code. Upon payment of any bond or other evidences of indebtedness, the same shall be marked "Paid" or otherwise canceled on its face. (10/02/73, Resolution No. 880; 10/04/94, Resolution No. 94-129)

Sec. 11.2. Limitations on borrowing power.

(a) The restrictions imposed by law on contracting debt shall not apply to debt incurred through the issuance of revenue bonds when the only security is the revenues of the enterprise, nor to bonded indebtedness to be paid from special assessments on benefitted property, nor to refunding indebtedness. In determining the debt limit of the city, there shall be deducted from the amount of the outstanding indebtedness any amounts credited to or on deposit for debt retirement and any portion of reserve funds or accounts pledged to the payment of principal amount of any outstanding bonded indebtedness. Money may be borrowed for reasons of disaster, permitted by section 11.1(a)(3)(b) beyond the limit imposed by this section, and the council shall, at the time of authorization of such indebtedness, provide for the fulfillment of other requirements of law relative to incurring such indebtedness.

(b) Except when delay is caused by litigation, or when a bond issue has been authorized to be issued in two or more parts or series, if any bonds are not sold, the authorization of any unsold bonds may be voided at any time by a council resolution. If any bonds are not sold within ten years after authorization, such authorization shall be null and void as to the bonds which remain unsold. (10/01/68, Resolution No. 717)

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Chapter 12. Contracts.

Sec. 12.1. Authority of council.

(a) The power to authorize the making of contracts on behalf of the city is vested in the council.

(b) All contracts, except as otherwise provided in Section 12.2 hereof, shall be authorized by the council and shall be signed on behalf of the city by the city manager and the city clerk. (10/04/94, Resolution No. 94-130)

Sec. 12.2. Purchase and sale of personal property.

The council shall establish the procedures for the purchase and sale of personal property. The procedures shall also provide the dollar limit within which purchases of personal property may be made without securing competitive bids, and the dollar limit within which purchases may be made without specific council approval. Such procedures shall also provide for the making of emergency purchases and contracts which shall not be subject to Section 12.3(c) of this chapter when an emergency exists. (10/04/94, Resolution No. 94-130)

Sec. 12.3. Limitations on contractual power.

(a) The council shall have power to enter only into contracts which, by the terms thereof, will be fully executed within a period of five years. This limitation shall not apply to contracts concerning interests in real property. Any contract, other than a franchise, which will not be fully executed within a period of five years, shall first receive the approval of a majority of the qualified electors of the city who vote thereon. This restriction shall not apply to any contract for services with a public utility or with other governmental units, nor to contracts for debt secured by the bonds or notes of the city.

(b) The council shall provide in the Code the procedure whereby the city may purchase, sell, lease or dispose of real property. No action of the council to dispose of any city interest in real property which has been dedicated to a public use shall be final until the resolution to do so has been on file in the office of the city clerk for thirty days.

(c) Except as authorized by Section 12.2, each contract for the construction of public improvements or for the purchase or sale of personal property shall be let only after opportunity for competitive bidding and after appropriate notice thereof of not less than two weeks. All bids shall be opened in public, at the time and place designated in the notice of letting. The council may reject any or all bids, if deemed advisable. If, after opportunity for competitive bidding, no bids are received or such bids as were received were not satisfactory to the council, it may authorize the city manager to negotiate for a contract in the open market. The council may waive any and all irregularities.

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(d) The council may approve contracts for engineering, architectural, legal, medical and other professional services for the city without competitive bidding. Such contracts shall not exceed two years, except for completion of work in progress under architectural or engineering contracts.

Sec. 12.4. Business dealings with the city.

The council shall provide in the Code the procedure whereby an officer or employee of the city, who intends to have business dealings with the city whereby he may derive any income or benefits other than such as are provided as remuneration of his official duties or the duties of his employment, shall file with the city clerk a statement, under oath, setting forth the nature of such business dealings and his interest therein, not less than ten days before the date when action may be taken by the council or any other officer or agency of the city upon the matter involved.

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Chapter 13. Public Utility Services.

Sec. 13.1. General powers respecting municipal utilities.

The city shall have all the powers not prohibited by law to acquire, own, operate and regulate public utilities, either within or beyond its corporate limits, and may also sell utility services beyond its corporate limits.

Sec. 13.2. Rates.

(a) The council may provide by ordinance for the establishment of utilities and provide for their regulation, promotion, control and the fixing of the rates to be charged, which must be sufficient to return to the city a reasonable profit after taxes.

(b) In furnishing service from municipally owned utilities, no agreements shall be made for services outside the city which will return to the city less net revenues than it realizes for the same services within the city. Increased rates for utility service outside of the city may be established by the council.

(c) Transactions pertaining to the ownership and operation of each municipal utility shall be recorded in a separate group of accounts, which shall be classified in accordance with generally accepted accounting practices. An annual report shall be prepared to show the financial position of each city utility and the results of its operation. Such reports shall be available for inspection at the office of the city clerk.

Sec. 13.3. Collection of municipal utility rates and charges.

The council shall provide in the Code for the collection of rates and charges for public utility services furnished by the city. When any person fails or refuses to pay to the city any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be brought for the collection thereof.

Sec. 13.4. Disposal of municipal utility plants and utility property.

The council may sell, lease or otherwise dispose of a municipal utility or of property and interest in property used or useful in the operation of a utility only after a proposition to do so is approved by three-fifths of the electors of the city voting on the proposition.

Sec. 13.5. Public utility franchises generally.

The city may grant a franchise to any person for the use of streets, alleys, bridges, easements and other public places of the city for the furnishing of any public utility service to the city and its inhabitants. Public utility franchises and renewals, amendments and extensions thereof shall be granted only by contract. Public utility franchises shall include provisions for fixing rates and charges and may provide for readjustments thereof at periodic intervals.

With respect to any public utility franchise granted after the effective date of this Charter, whether or not so provided in the granting contract, the city may:

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(1) Terminate the same for the violation of any of its provisions, for the misuse or non-use thereof, for failure to comply with any provisions thereof, or any regulation imposed under authority of this Charter or of the Code;

(2) Require proper and reasonable extension of plant and the maintenance thereof at the highest practicable standard of efficiency;

(3) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

(4) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

(5) Impose other regulations determined by the council to be conducive to the health, safety, welfare and convenience of the public;

(6) Require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, bridges, easements and public places by the city and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor, and, in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;

(7) Require the public utility to pay any part of the cost of improvement or maintenance of streets, alleys, bridges, easements and public places that arises from its use thereof, and to protect and save the city harmless from all damages arising from such use;

(8) Require the public utility to file with the city clerk reports concerning the utility and its financial operation and status and file with the city manager such drawings and maps of the location and nature of its facilities as the council may request.

Sec. 13.6. Limitations on the granting of franchises.

No franchise shall be granted without approval of the voters. (10/02/84, Resolution No. 84-075)

Sec. 13.7. Procedure for granting franchises.

Every contract granting a franchise, license or right to occupy or use streets, alleys, bridges, public places or easements shall remain on file with the city clerk for public inspection in its final form for at least thirty days before the final approval thereof, or the approval thereof for referral to the electors of the city. The council shall require a performance bond in an amount not less than \$2,500 before issuing each and every franchise. If the council deems it necessary, they may at their option require a performance bond in excess of \$2,500.

Sec. 13.8. Transferability of franchise.

The grantee of a franchise may not sell, assign, sublet or allow another to use the same unless the council gives its consent. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise, nor shall it restrict the rights of the purchase, upon foreclosure sale, to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this Charter and the Code.

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Sec. 13.9. Plans of facilities in streets and public places.

The council may require in the Code that, as a condition to the placing or installment thereof, each public utility conducting a business in the city shall file with the city manager a duplicate copy of layout plans of pipes, conduits, wires and other facilities and appurtenances which are to be placed on, under or above the surface of the city's streets, alleys, bridges, easements and public places.

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Chapter 14. Revision and Amendment.

Sec. 14.1. Revision of Charter.

This Charter may be revised in the manner provided by law.

Sec. 14.2. Amendment of Charter generally.

This Charter may be amended by proceedings commenced by the vote of four members of the council or by an initiatory petition.

Sec. 14.3. Amendment of Charter by council action.

When an amendment is proposed by the council, it shall be submitted at the time of any election to be held in the city not less than sixty days after its proposal by the council, or at a special election called by the council for the purpose of voting thereon. Such amendment of the Charter shall become effective if approved by a majority of qualified voters voting on the question.

Sec. 14.4. Amendment of Charter by initiatory petition.

An initiatory petition for the amendment of this Charter shall state the proposed amendment, shall set forth all sections of the Charter to be amended thereby in full, shall be signed by the number of electors required for the initiation of Code provisions, and shall be filed with the mayor. If the petition therefor is proper and in order, the mayor shall submit the proposed amendment to the electors of the city at the next regular city election which is to be held after ninety days following the filing of the petition. Amendment of the Charter shall become effective if approved by a majority of qualified voters voting on the question.

Sec. 14.5. Scope of amendments.

Each proposed amendment of this Charter shall be confined to one subject, but need not be limited to a single section. Should a subject embrace more than one related proposition, each proposition shall be separately stated to afford an opportunity for the electors to vote for or against each such proposition.

Sec. 14.6. Publication of proposed amendments.

Each proposed amendment of this Charter shall be published as the council shall prescribe not less than two weeks nor more than four weeks before the election on its ratification.

Sec. 14.7. Filing of ratified amendment.

Each amendment ratified by the electors of the city shall be filed in the manner required by law and shall thereupon become a part of the organic law of the city, unless a later effective date is prescribed by the council prior to the election on its ratification. Thereafter, the courts shall take judicial notice of the city Charter as amended. (10/04/94, Resolution No. 94-131)

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Chapter 15. Industrial Development Bonds.

Sec. 15.1. Industrial development bonds.

Repealed 10/04/94 (Resolution No. 94-129)

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Chapter 16. Management of Public Health Facilities.

Sec. 16.1. Establishment of board.

The council may provide in the Code for a citizen board to manage public health facilities owned or operated by the city.

Sec. 16.2. Powers of board.

The council shall specify in the Code the powers of any board established under Section 16.1. Notwithstanding anything in this Charter to the contrary, the council may provide in the Code that:

(a) The board shall employ or be responsible for the employment of public health facility employees, and supervise and coordinate the personnel policies and practices applicable to such employees.

(b) The board shall, no later than the time specified in the Code, submit to the council a proposed budget for the following fiscal year for approval of the total amount. Within the time specified in the Code, the council shall determine the total amount of money to be made available to the board from local sources. If the council does not, within the time specified in the Code, furnish the board with a statement of the sum to be made available, the amount requested in the budget is automatically approved. Not later than the time specified in the Code, the council shall appropriate the amount to be made available from local sources from money available for that purpose.

(c) Contracts related to public health facilities shall be authorized by the board and executed on behalf of the city by a person designated by the board.

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Schedule.

Sec. 1. Purpose and status of schedule chapter.

This schedule chapter is to provide an orderly transition from a city organized and possessing powers delegated to it by statutory law, to a constitutional home rule Charter city. It shall constitute a part of this Charter only to the extent and for the time required to accomplish that end.

Sec. 2. Prior legislation preserved.

The Code of Ordinances of the City of Seward and all resolutions and rules of the council, to the extent that they are consistent with this Charter, shall continue in full force, until repealed or amended. When this Charter requires the council to adopt or provide any Code provision, any existing provision which meets such requirement shall suffice.

Sec. 3. Election to adopt Charter.

(a) This Charter shall be submitted to a vote of the qualified electors of the City of Seward at the city election to be held on January 5, 1960, between the hours of 8:00 a.m. and 7:00 p.m. All provisions for the submission of the question of adopting this Charter at such election shall be made as provided by law and the Code.

(b) If a majority of the qualified voters voting on the question is in favor of the adoption of this Charter, the city clerk shall perform all acts required by law to make this Charter effective.

(c) If so adopted, this Charter shall take effect and become law at 12:01 a.m. on the 10th day after election.

Sec. 4. City officers.

Each person who holds an office of the city on the effective date of this Charter under its prior government, shall continue to perform the duties of his office in a manner consistent with this Charter, until suspended as in this Charter provided, without the requirement of any additional oath or bond. Until otherwise provided under authority of this Charter, the compensation of each office shall continue under and subject to this Charter.

Sec. 5. Transition of government.

The council shall resolve and provide for all matters necessary for the inauguration of the city government under this Charter and the transition from the former government of the city.

The Charter

§ Schedule § 6

Schedule § 7

Sec. 6. Magistrate's court.

The magistrate's court, as established on the effective date of this Charter, shall continue to be the magistrate's court of the city. It shall have all the powers and jurisdiction conferred upon the court by law and shall continue to exercise such powers and jurisdiction until superseded by law.

Sec. 7. Vested rights and liabilities.

No right or liability of the city, existing on the effective date of this Charter, shall be affected in any manner by the adoption of this Charter.